

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CRM-M-43842-2022 (O&M)
Date of Decision: 23.01.2023

Gurmeet Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present: Mr. Shoaib Khan, Advocate, for the petitioner.

Mr. Gurmeet Singh, AAG, Haryana,
assisted by Inspector Jaipal.

GURVINDER SINGH GILL, J. (Oral)

1. The petitioner seeks grant of anticipatory bail in respect of a case registered against him vide FIR No.4 dated 31.07.2017 at Police Station S.V.B., Sector 17, Panchkula, under Sections 218, 406, 409, 420, 120-B IPC read with Sections 13(1)C, 13(1)D, 13(2) of the Prevention of Corruption Act.
2. The allegations, in nutshell, are that the land belonging to the petitioner alongwith land of other land-owners situated in Villages Chowki and Nada, Tehsil & District Panchkula was acquired for the purpose of 'development of land for recreational, public and semi-public, Sector-32, Panchkula' by Haryana Urban Development Authority (HUDA) and that excess compensation had been released to the petitioner and some other land-owners by the officials of the Land Acquisition Collector, Panchkula in connivance with the land-owners.
3. Learned counsel for the petitioner has submitted that he had no role to play in the matter of calculation of the compensation, which was due to be paid to

the petitioner and to other land-owners and that in any case, he is willing to return the compensation allegedly received in excess by him. It has also been submitted that since another piece of land belonging to the petitioner had also been acquired by the Government, which is even having a greater value, the excess amount to be recovered from him may be adjusted in the compensation, which is to be paid in respect of the subsequently acquired land, as the petitioner as of now is not possessed of the said amount having invested the same in some other piece of land.

4. Opposing the petition, learned State counsel has submitted that it is a scam involving embezzlement of a total of more than Rs.60 crores and that the petitioner had been paid an excess amount of more than Rs.3 crores as compensation by the officials concerned, who were conniving with the petitioner. Learned State counsel has, however, not denied the fact that another piece of land belonging to the petitioner had also been acquired. It is also not disputed that in the cases of some other land-owners, this Court has passed orders for adjusting the recovery against the compensation, which is to be paid on account of subsequent acquisition. One of the said orders is annexed with the petition as Annexure P-4.
5. This Court has considered rival submissions.
6. Since learned counsel for the petitioner has stated at the bar that he had instructions from his client to get the recovery of excess amount adjusted against the compensation, which is to be received by him on account of subsequent acquisition of his land and while also bearing in mind that identically situated co-accused have been granted anticipatory bail on similar grounds, the instant petition is accepted and the interim directions issued by this Court vide order dated 29.09.2022 are hereby made absolute subject to

the condition that the petitioner shall join investigation as and when called upon to do so and cooperate with the Investigating Officer and shall also abide by the conditions as provided under Section 438 (2) Cr.P.C.

7. The aforesaid order is also subject to the condition that the petitioner will not have any objection, as has been stated by his counsel at the bar today and as has been stated by him in para 23 of the petition, in case the excess compensation alongwith interest is adjusted at the time of payment of compensation to him in respect of his subsequently acquired land on proper calculations.
8. At this stage, learned counsel for petitioner has submitted that though the compensation to be received by the petitioner for his subsequently acquired land would be sufficient to meet with the refund of the alleged excess compensation paid to him, but in case it is found that the compensation in respect of the subsequently acquired land does not meet with the refund to be made, the petitioner shall make good the said deficiency at the earliest.
9. A copy of this order be conveyed to the Land Acquisition Collector, Panchkula so as to ensure that the excess amount of compensation allegedly paid to the petitioner is duly adjusted/recovered at the time of payment of compensation in respect of subsequently acquired land of the petitioner. In case, after adjustment as has been directed above, any amount towards excess payment of compensation still remains due to be recovered from the petitioner, the State is at liberty to move an appropriate application in this case itself.

23.01.2023

Vimal

(GURVINDER SINGH GILL)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No